

The Honorable Lauren King

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID D. BUTLER,

Plaintiff,

v.

JAMES HANKEN, et al.,

Defendants.

No. 2:23-cv-01624-LK-BAT

STIPULATED MOTION AND
ORDER EXTENDING CASE
DEADLINES

Noted for Consideration:
September 27, 2024

STIPULATED MOTION

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Plaintiff David Butler (“Plaintiff”) and Defendants James Hankin, Calvin Cogburn, and Dr. Steven Jewitt (“Defendants”) hereby stipulate and agree to the following proposed deadline extending the pre-trial dates in the above-captioned matter, subject to the Court’s approval.

1. On April 23, 2024, the Court entered its Order Setting Trial Date and Pretrial Schedule. *See* Dkt. 29.

2. On July 17, 2024, Butler filed a separate lawsuit in this Court, captioned *Butler v. Bowen et al.*, 2:24-cv-01071-KKE (“Bowen Lawsuit”). The lawsuit raised new claims against new defendants. Undersigned counsel for Plaintiff did not participate in the preparation and filing of this lawsuit and was not aware of Butler’s intention to file the additional lawsuit.

Undersigned counsel for Defendants was not involved in the Bowen Lawsuit, or made aware of its filing.

3. On August 9, 2024, the Honorable Brian A. Tsuchida recommended that the Bowen Lawsuit be dismissed without prejudice, and any claims raised in the Bowen Lawsuit should be consolidated with the above-captioned matter. *See* 2:24-cv-01071-KKE, Dkt. 5.

4. On or around August 28, 2024, Butler informed undersigned Counsel of the Bowen Lawsuit. At that time, the deadline to file objections to Magistrate Judge Tsuchida's Report & Recommendation had passed.

5. On September 3, 2024, the Honorable Kymberly K. Evanson adopted Magistrate Judge Tsuchida's report and recommendation, and dismissed the Bowen Lawsuit without prejudice. *See* 2:24-cv-01071-KKE, Dkt. 6.

6. On September 11, 2024, Plaintiff's Counsel reached out to Counsel for the Defendants, explaining the Court's Order in the Bowen Lawsuit. Plaintiffs' Counsel requested a four-week extension to file an Amended Complaint, to provide both parties additional time to investigate the new claims sought to be consolidated with the above-captioned lawsuit.

7. Counsel for Defendants agreed and requested that all pre-trial deadlines be extended up to ninety days, and the current trial date be vacated, to provide both parties sufficient time to conduct a meaningful investigation into Plaintiff's additional claims.

8. On September 25, 2024, Butler confirmed that an extension was agreeable. In accordance with the above, the Parties thus stipulate and agree to the following amended case pre-trial case schedule (subject to Court approval):

Event	Current Date	Requested Date
Deadline for Amended pleadings.	September 30, 2024	November 1, 2024
Reports of expert witnesses under FRCP 26(a)(1) due	September 30, 2024	January 10, 2025
Reports of rebuttal expert witnesses under FRCP 26(a)(2) due	October 14, 2024	January 24, 2025

1	All motions related to discovery must be noted for consideration no later than	October 16, 2024	January 17, 2025
2	Discovery to be completed by	November 15, 2024	February 14, 2025
3	All dispositive motions and motions challenging expert witness testimony must be filed by this date (see LCR 7(d)). Such motions must be noted for consideration no later than 28 days thereafter (see LCR 7(d)).	December 9, 2024	March 7, 2025
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5	Settlement conference, if mediation has been requested by the parties per LCR 39.1, held no later than	December 23, 2024	March 21, 2025
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7	Mediation per LCR 39.1(c)(3) held no later than	January 20, 2025	April 4, 2025
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9	All motions in limine must be filed by	February 10, 2025	TBD (pending trial date)
10			
11	Proposed jury instructions and agreed LCR 16.1 Pretrial Order due, including exhibit list with completed authenticity, admissibility, and objection fields	February 17, 2025	TBD (pending trial date)
12			
13	Trial briefs, proposed voir dire questions, and deposition designations due	February 17, 2025	TBD (pending trial date)
14			
15	Pretrial conference scheduled at 10:00 am on	February 24, 2025	TBD (pending trial date)
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18 9. Based on the foregoing, the parties respectfully request that the Court grant their

19 stipulated motion and extend the case schedule accordingly. The parties separately request that

20 the Court vacate the trial date set for March 3, 2025. Counsel will meet-and-confer to discuss

21 potential dates to propose to the Court for setting a new trial date.

22 IT IS SO STIPULATED.

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1 DATED this 27th day of September, 2024.

2 Davis Wright Tremaine LLP

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4 By s/ Joby Celoza

John Goldmark, WSBA #26369

Joby Celoza, *pro hac vice*

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15 *Counsel for Defendants*

ORDER

The Court **GRANTS** the Parties' stipulated motion. The pretrial schedule is modified as follows:

Event	Current Date	New Date
Deadline for Amended pleadings.	September 30, 2024	November 1, 2024
Reports of expert witnesses under FRCP 26(a)(1) due	September 30, 2024	January 10, 2025
Reports of rebuttal expert witnesses under FRCP 26(a)(2) due	October 14, 2024	January 24, 2025
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Pretrial conference scheduled at 10:00 am on	February 24, 2025	TBD (pending trial date)

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1 IT IS SO ORDERED this 30th day of September, 2024.

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3 BRIAN A. TSUCHIDA
4 United States Magistrate Judge
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